

RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Dated: This the 29th day of June 1999.

Coram:- Hon'ble Mr.S.Dayal, A.M.

Hon'ble Mr.S.K. Agarwal, J.M.

Contempt Application No.6 of 1996.

in

Original Application No. 415 of 1993.

Uma Shankar Dwivedi s/o Late Doodh Nath Dwivedi
r/o V. Soraon, P.O. Meja Road, Dt. Allahabad.

. . . Applicant.

Counsel for the applicant Sri R.S. Saxena, Adv.

Versus

1. Sri Surya Naraina, Secretary, Ministry of Railways
Baroda House, New Delhi.
2. Sri Mangi Lal Deputy Director, Estt. (R) Railway
Board, Rail Bhawan, New Delhi.
3. Sri M.N. Chopra, D.R.M., Nawab Yusuf Road, Allahabad.

. . . Respondents.

Counsel for the respondents: Sri A.K. Gaur, Adv.

ORDER

(By Hon'ble Mr.S. Dayal, Member (A.))

This contempt petition has been filed for wilful disobedience of the order dated 25.8.95 passed in O.A. 415/1993 directing the respondents to hold fresh enquiry with notice to the applicant to ascertain whether certificate that Sri Gorakh Nath Dwivedi will act bread winner of the family ~~and~~ had been obtained from the widow of the deceased Govt. Employee before

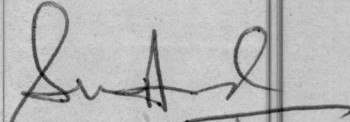
appointing Sri Gorakh Nath Dwivedi on compassionate ground. In case, on enquiry, it is found that the necessary formalities for appointing a near relative of a deceased Government Servant on compassionate ground had been complied, the applicant may be informed accordingly. In case, however, it is found that the formalities had not been complied with, or that Sri Gorakh Nath Dwivedi has obtained compassionate appointment by making false representation, necessary action for terminating the service of said Gorakh Nath Dwivedi be taken and in his place the applicant be appointed on an appropriate post.


2. The applicant in this contempt petition has alleged that respondents did not hold a confronted enquiry in the case and thereupon appoint the applicant accordingly.

3. The respondents have filed a counter reply in which they have mentioned that the name of the applicant was Gokaran Nath and it was later on corrected in the order of the Tribunal as such. Two inspectors were nominated to hold a confronted enquiry. Sri Gokaran Nath evaded the enquiry. On the basis of the enquiry report, Gokaran Nath was issued a major penalty chargesheet in which Sri Uma Shankar Dwivedi has also been associated and the same is in progress. The respondents have also filed a supplementary counter affidavit in which it has been mentioned that Sri Uma Shankar Dwivedi has been given appointment vide letter 5.8.97.

4. There is a gap of nearly two years between the date of order and the date of appointment of the applicant. However, it can not be inferred that the Opp. parties had any intention to disobey the order of the Tribunal. The contempt proceedings are

dropped and the notices issued are discharged.


Member (J.)


Member (A.)